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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,373	09/18/2001	Andrew J. Powell	25044.72211-002	8347

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EXAMINER

GREENE, DANIEL L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,373

Applicant(s)

POWELL, ANDREW J.

Examiner

Daniel L. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-37, 46-50 and 55-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-37, 46-50 and 55-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/01/04, 10/27/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/25/2005 have been fully considered but they are not persuasive.
2. The Applicant requests that the Finale Rejection be withdrawn because, "The original claims could have been amended to simply incorporate claims 6 or 7 into claim 1. For clarity, new claims were written. The prior art found by the Examiner is Davis et al. ... is directed exclusively to the updating of a web site by way of email, and thus would have been pertinent to original claims 6 and 7." The Examiner agrees with the Applicant in that "The prior art found by the Examiner is Davis et al. ... is directed exclusively to the updating of a web site by way of email, and thus would have been pertinent to original claims 6 and 7.", and would thus support the Finale Rejection.
3. The Applicant further submits that, "There is no method disclosed to modify multiple portions of a web site by way of a single email." The claims as written, do not state the modification of multiple portions of a web site by way of a single email and therefore was not considered.
4. The Applicant further submits that, "The Davis et al system receives an email. If the email is from an authorized sender, then the text body of the email is used to modify a web page on the web site. The system does only a single type of task: change web pages. It cannot delete or add web pages." The Examiner disagrees, in that a change to a web page can take any form be it addition, subtraction and/or elimination of information on and of the web site.

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5. Further, by definition, for a computer to modify a hypertext document, it must have the type of modification command and the web page/hypertext document that is to be modified for it to make the modification to that web page/hypertext document.

6. The Applicant further states that Davis never determines a request type as defined by claim 30 because it has no need to do so. The Examiner submits that Davis does determine the request type during the process of generating the email that is sent to the web page requiring changes. Beginning at Column 9, Davis discloses the configuration of the e-mail to be sent which involves the conversion from script to source code.

7. Davis further discloses, " Virtually any commercial available e-mail utility may be used to create and edit Web page content changes according to an embodiment of the present invention. Col. 10, lines 7-10. Davis refers to a variety of Web page creation and editor tools such as ... Front Page @Microsoft Corporation.

8. Upon further review of the Specifications, it is noted that the present invention relates to a method of performing programming code changes utilizing plain text . Review of the claims does not appear to highlight the scope and detail of the Specifications. Due to the broad limitations of the claims, generic type art renders the application non-obvious.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

10. Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "passing" in claim 31 is a relative term, which renders the claim indefinite. The term "passing" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The Examiner will treat the phrase "...passing a subject line of the email" to mean the email provides the identity of the web page.

Claim Objections

11. Claims 47-50 are objected to because of the following informalities: The Applicant eliminated the "fourth program code" designation in claim 46 and did not make the appropriate renumbering in the following claims 47-50. Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 30-37, 46-50 and 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. U.S. Patent 5,937,160 [Davis], and further in view of Lindhorst et al. U.S. Patent 6,714,219 B2 [Lindhorst].**

3.

As per claims 30 and 46:

Davis discloses:

receiving an email; Col. 8, lines 50-67.

Davis discloses the claimed invention except for the terminology of parsing the email text to create a variable list. A reference is to be considered not only for what it expressly states, but also for what it would reasonably have suggested to one of ordinary skill in the art. *In re DeLisle*, 160 USPQ 806 (CCPA 1969)

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to parsing the email text to create a variable list since it is known in the art that as taught by Davis, Col. 14, lines 65-67 and Col. 15, lines 1-45, proprietary tags serve the same purpose as parsing the text to provide the computer with the language necessary to make the changes to the Web page.

Davis discloses the claimed invention except for actually detailing out creating a programming code segment from the variable list; and incorporating the programming code segment into the programming code.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to creating a programming code segment from the variable list; and incorporating the programming code segment into the programming code since it is known in the art that as taught by Davis in Col. 14, lines 65-67 and Col. 15, lines 1-40, the proprietary tags provide the computer language to make the program modifications which is the same as creating a programming code segment from the variable list; and incorporating the programming code segment into the programming code.

12. Davis discloses the claimed invention except for determining from the variable list a request type, the request type indicative of a type of modification to the web site. However, Davis does disclose " Virtually any commercial available e-mail utility may be used to create and edit Web page content changes according to an embodiment of the present invention. Col. 10, lines 7-10. Davis refers to a variety of Web page creation and editor tools such as ... Front Page @Microsoft Corporation. Lindhorst teaches that it is known in the art to provide determining from the variable list a request type, the request type indicative of a type of modification to the web site. Col. 18, lines 10-55. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the updating of hypertext documents of Davis with the determining from the variable list a request type, the request type indicative of a type of

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modification to the web site of Lindhorst, in order to facilitate the updating of hypertext documents.

13. As per claim 31:

14. Davis discloses the claimed invention except for determining from the variable list a first web page, the first web page being the target of the request type. However, Davis does disclose " Virtually any commercial available e-mail utility may be used to create and edit Web page content changes according to an embodiment of the present invention. Col. 10, lines 7-10. Davis refers to a variety of Web page creation and editor tools such as ... Front Page @Microsoft Corporation. Lindhorst teaches that it is known in the art to provide determining from the variable list a first web page, the first web page being the target of the request type. Col. 18, lines 10-55. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the updating of hypertext documents of Davis with the determining from the variable list a first web page, the first web page being the target of the request type of Lindhorst, in order to facilitate the updating of hypertext documents associated with the web page.

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As per claim 32:

Davis further discloses:

where the step of incorporating the programming code segment into the programming code comprises incorporating the programming segment into the first web page. Col. 16, lines 35-67.

As per claim 33:

Davis further discloses:

determining whether the sender of the email is authorized to change the web site. Col. 3, lines 25-50.

As per claim 34:

Davis further discloses:

where the email has a sender address and the step of determining whether the sender of the email is authorized to change the web site comprises: comparing the sender address with a first database to determine a sender access based upon the sender access level, determining if the sender is authorized to change the first web page. Col. 3, lines 25-50.

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As per claim 35:

Davis further discloses:

Davis discloses the claimed invention except for specifically teaching about obtaining a sender IP address, and comparing the sender IP address to a range of IP addresses.. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to obtaining a sender IP address, and comparing the sender IP address to a range of IP addresses. since it is known in the art that obtaining a sender IP address, and comparing the sender IP address to a range of IP addresses is just another form of authenticating the sender as taught by Davis for authenticating the sender. . Col. 1, lines 25-35. Col. 3, lines 25-50.

As per claim 36:

Davis further discloses:

sending a confirmation email to a web site administrator. Col. 13, lines 50-67, Col. 14, lines 1-60.

As per claim 37:

Davis further discloses:

if the sender IP address was not within the range of IP addresses, then: creating an error notification, and sending the error notification to the sender address. Col. 11, lines 55-67.

As per claims 46-50, Davis discloses the claimed invention except for designating his proprietary tags, Col 15, lines 1-45. as program codes. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to know that proprietary tags serve the same function as program codes since it is known in the art that the function of Davis's proprietary tags serve the same purpose as program codes. PTO's guide lines for examining claimed language require: the examiner must make a determination, whether the claimed invention "as a whole" would have been obvious at the time of the invention to one of ordinary skill in the art. See MPEP 2142. In these pending claims, the examiner submits that the particular language does not serve as a limitation on the claim (i.e., "program code") because replacing "program code" with the Davis term "proprietary tag" serves and accomplishes the same outcome.

The Applicant presents the progression of the use of program codes as first, second, third, etc.. Davis discloses the claimed invention except for the progression of codes for making more than one change to the program. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a progression of changes to a program listed out in sequential order, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

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As per claim 46:

Davis discloses:

a first program code unit for receiving an email from a sender; Col. 8, lines 50-67.

Davis discloses the claimed invention except for the terminology of a second program code unit for parsing the email into a variable list. A reference is to be considered not only for what it expressly states, but also for what it would reasonably have suggested to one of ordinary skill in the art. *In re DeLisle*, 160 USPQ 806 (CCPA 1969)

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a second program code unit for parsing the email into a variable list since it is known in the art that as taught by Davis, Col. 14, lines 65-67 and Col. 15, lines 1-45, proprietary tags serve the same purpose as parsing the text to provide the computer with the language necessary to make the changes to the Web page.

Davis discloses the claimed invention except for actually detailing out a third program code unit for determining from the variable list a request type. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to creating a third program code unit for determining from the variable list a request type since it is known in the art that as taught by Davis in Col. 14, lines 65-67 and Col. 15, lines 1-40, the proprietary tags provide the computer language to make the program modifications which is the same as creating a third program code unit for determining from the variable list a request type

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As per claim 47:

Davis further discloses:

a fifth program code unit for determining from the variable list a web page variable, the web page variable identifying the web page to be modified.

Col. 16, lines 1-30.

As per claim 48:

Davis further discloses:

a sixth program code unit for determining from the variable list the number of changes to the web site. Col. 15, lines 1-44.

As per claim 49:

Davis further discloses:

a seventh program code unit for determining a first portion of the web page to be changed; Col. 15, lines 1-44, and

an eighth program code unit for applying the first change item to the first portion.

Col. 16, lines 35-67.

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As per claim 50:

Davis further discloses:

a ninth program code unit for determining a user identifier, comparing the user identifier with a security verification database and retrieving from the security verification database an access level for the user; Col. 3, lines 25-50.

and a tenth program code unit for applying the first change item to the first portion if the access level is acceptable. Col. 16, lines 35-67.

15. As per claims 55-57, Davis discloses the claimed invention except for determining from the variable list a request type, the request type indicative of a type of modification to the web site. However, Davis does disclose " Virtually any commercial available e-mail utility may be used to create and edit Web page content changes according to an embodiment of the present invention. Col. 10, lines 7-10. Davis refers to a variety of Web page creation and editor tools such as ... Front Page @Microsoft Corporation. Lindhorst teaches that it is known in the art to provide determining from the variable list a request type, the request type indicative of a type of modification to the web site. Col. 18, lines 10-55. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the updating of hypertext documents of Davis with the determining from the variable list a request type, the request type indicative of a type of modification to the web site of Lindhorst, in order to facilitate the updating of hypertext documents.

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Further, Davis discloses the claimed invention except for designating his proprietary tags, Col 15, lines 1-45. as program codes. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to know that proprietary tags serve the same function as program codes since it is known in the art that the function of Davis's proprietary tags serve the same purpose as program codes. PTO's guide lines for examining claimed language require: the examiner must make a determination, whether the claimed invention "as a whole" would have been obvious at the time of the invention to one of ordinary skill in the art. See MPEP 2142. In these pending claims, the examiner submits that the particular language does not serve as a limitation on the claim (i.e., "program code") because replacing "program code" with the Davis term "proprietary tag" serves and accomplishes the same outcome.

The Applicant presents the use of program codes to perform specific actions i.e. changes a web page, delete the first web page, and add the first web page.

Davis discloses the claimed invention, as discussed above, except for the steps of changing a web page, deleting the first web page, and adding the first web page. It would have been an obvious to modify the teachings of Davis to provide the steps of changing a web page, deleting the first web page, and adding the first web page. Since the applicant has not disclosed that changing a web page, deleting the first web page, and adding the first web page solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Davis will perform the invention as claimed by the

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applicant with any means, method, or product to changing a web page, deleting the first web page, and adding the first web page

As per claim 55:

Davis further discloses:

if the request type is for a change to web pages, creating a programming code segment from the variable list: Col. 12, lines 18-67.

incorporating the programming code segment into the programming code for the first web page. Col. 12, lines 18-67.

As per claim 56:

Davis further discloses:

if the request type is to delete the first web page, then deleting the first web page from the web site. Col. 12, lines 18-67.

As per claim 57:

Davis further discloses:

if the request type is to add the first web page, then creating the first web page in the web site. Col. 12, lines 18-67.

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Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DuFresne U.S. Patent 5,835,712 - CLIENT-SERVER USING EMBEDDED HYPERTEXT TAGS FOR APPLICATION AND DATABASE DEVELOPMENT.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 571-272-6707. The examiner can normally be reached on M-Thur. 8am-6pm.

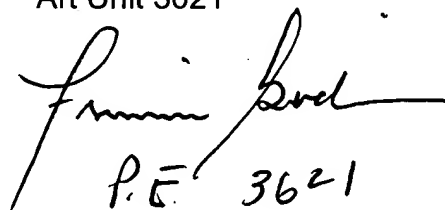
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Daniel L. Greene
Examiner
Art Unit 3621

7/27/2005



P.E. 3621